FILED
AUG 15 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY AKR DEPUTY

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED
AUG 15 2008
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TYLER BRENNEISE; et al.,

Plaintiffs - Appellees,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT,

Defendant - Appellant.

No. 08-56238

D.C. No. 3:08-cv-00028-WQH
Southern District of California,
San Diego

ORDER

A review of the record suggests that this court may lack jurisdiction over this interlocutory appeal because appellant has not been granted permission to appeal pursuant to 28 U.S.C. § 1292(b).

Within 21 days after the date of this order, appellant shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed for lack of jurisdiction. If appellant elects to show cause, a response may be filed within 8 days after service of the memorandum.

If appellant does not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: Caroline A. Jacobs
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

cj/MOATT